

REMARKS

Applicants appreciate the Examiner's thorough consideration provided the present application. Claims 1, 2 and 5 are now present in the application. The title and claim 1 have been amended. Claims 3 and 4 have been cancelled. Claim 1 is independent. Reconsideration of this application, as amended, is respectfully requested.

Specification Objections

The title has been objected to due to its non-descriptiveness. In view of the foregoing amendments, it is respectfully submitted that this objection has been addressed. Accordingly, Applicants respectfully submit that this objection has been obviated and/or rendered moot. Reconsideration and withdrawal of this objection are respectfully requested.

Claim Rejections Under 35 U.S.C. §§ 102 And 103

Claims 1, 2 and 5 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Shimada, U.S. Patent Publication Application No. US 2004/0137265 A1. Claims 1, 2 and 4 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Chua, U.S. Patent Publication Application No. US 2004/0072106 A1. Claims 1-3 and 5 stand rejected under 35 U.S.C. § 103 as being unpatentable over Kummer, U.S. Patent No. 6,669,866 in view of Shimada. These rejections are respectfully traversed.

In light of the foregoing amendments, Applicants respectfully submit that these rejections have been obviated and/or rendered moot. As the Examiner will note, independent claim 1 has been amended to recite a combination of elements including “the formula of the first phosphor being $(Y_xM_yCe_z)Al_5O_{12}$, where $x + y = 3$, x and $y \neq 0$, $0 < z < 0.5$, and M is selected from a group consisting of Tb, Lu and Yb” and “the formula of the second phosphor being $(M'aEu_b)S$, where $1 \leq a+b \leq 1.2$, a and $b \neq 0$, and M' is selected from a group consisting of Ca, Sr and Ba”. Applicants respectfully submit that the above combination of elements as set forth in amended independent claim 1 is not disclosed nor suggested by the references relied on by the Examiner.

Shimada discloses a light emitting apparatus including using an YAG yellow fluorescent material and an Eu complex for red light (see Abstract). However, Shimada fails to teach the formula of the YAG yellow fluorescent material and the Eu complex. Therefore, Shimada fails to teach the above combination of elements as set forth in amended independent claim 1.

Chua teaches a screen process for selectively depositing a light emitting film on a light emitting base layer (see Abstract). The Examiner indicated that Chua discloses the red phosphor is $CaS:Eu^{2+}$ (see paragraph [0028]). However, Chua fails to teach the red phosphor $CaS:Eu^{2+}$ comply with the limitation of $1 \leq a+b \leq 1.2$ for the red phosphor $(M'aEu_b)S$ as recited in claim 1. In addition, Chua also fails to teach “the formula of the first phosphor being $(Y_xM_yCe_z)Al_5O_{12}...$ ” as recited in claim 1.

Kummer teaches a luminous substance for a light source. The Examiner indicated that Kummer teaches a yellow phosphor $(Y_{0.29}Tb_{0.67}Ce_{0.04})_3Al_5O_{12}$ (see col. 3, lines 26-28). However, Kummer fails to teach “the formula of the first phosphor being $(Y_xM_yCe_z)Al_5O_{12}$, where x + y = 3” as recited in claim 1, because $x+y$ of $(Y_{0.29}Tb_{0.67}Ce_{0.04})_3Al_5O_{12}$ is equal to 2.88 (*i.e.*, $0.29*3+0.67*3$), which is not equal to 3. In addition, Kummer also fails to teach “the formula of the second phosphor being $(M'aEu_b)S\dots$ ” as recited in claim 1.

Accordingly, none of the references utilized by the Examiner individually or in combination teach or suggest the limitations of amended independent claim 1 or its dependent claims. Therefore, Applicants respectfully submit that all of the claims clearly define over the teachings of the references relied on by the Examiner.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §§ 102 and 103 are respectfully requested.

CONCLUSION

Since the remaining patent cited by the Examiner has not been utilized to reject the claims, but merely to show the state of the prior art, no further comments are necessary with respect thereto.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

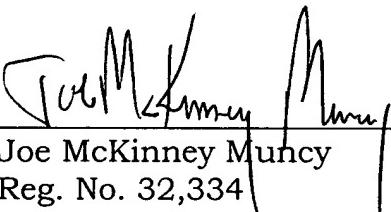
In the event there are any matters remaining in this application, the Examiner is invited to contact Joe McKinney Muncy, Registration No. 32,334 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By _____


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